

2015-2016 Supplementary Estimates (C)

**THE PUBLIC SAFETY PORTFOLIO'S ROLE IN THE SYRIA INITIATIVE**

**PROPOSED RESPONSE:**

- **The Public Safety Portfolio fully supports the Government of Canada's continued commitment to resettle Syrian refugees to Canada.**
- **The Canada Border Services Agency, and federal partners worked together to conduct a robust, multi-layered security screening process for both privately sponsored and government assisted refugees. The Agency, as is its normal role, provides integrated security screening to support the final decision of Immigration, Refugees and Citizenship Canada on refugee applications. The Royal Canadian Mounted Police is assisting Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency through the processing of biometric submissions.**
- **In cases where there was insufficient information, cases were set aside to be processed at a later point in time.**
- **Upon arrival in Canada, Border Services Officers processed refugees and verified biometrics, before the refugees were granted permanent residency.**
- **In cases where there are concerns that individuals have violated our immigration laws after entry into Canada, the Canada Border Services Agency will investigate and may take appropriate enforcement measures.**
- **The Public Safety Portfolio, along with Canadian law enforcement and intelligence partners, continue to assess ongoing developments, abroad and in Canada, to help mitigate and minimize potential risk.**
- **To support this work, the CBSA received thirteen point six million dollars through the 2015-2016 Supplementary Estimates (C).**

## **Backgrounder:**

### **SYRIA SECURITY SCREENING UPDATE**

All individuals are screened as per usual Canada Border Services Agency (CBSA) robust practices and procedures. This is part of the broader, Government of Canada-wide, multi-layered safety and security continuum.

As of April 28, 2016, the CBSA received a total of 13,317 cases for security screening. This figure represents all individuals aged 18 and over.

Security screening for this operation was designed to set aside cases that would require additional time to complete where further information was required to make a recommendation. Processing is still ongoing for cases that were incomplete during the 2015 surge.

It is important to note that set-aside cases are part of the normal process and do not equal a risk to national security.

#### ***If additional information is required regarding deferrals***

The CBSA security screening process is mandated by the relevant sections of the *Immigration and Refugee Protection Act*, and specifically deals with potential inadmissibility issues related to sections 34, 35 and 37 (Security, crimes against humanity, war crimes and organized criminality).

The CBSA, in collaboration with portfolio partners are reviewing the cases set aside as part of this effort in order to complete the analysis of each case prior to making an admissibility recommendation to Immigration, Refugees and Citizenship Canada (IRCC).

IRCC will make a final determination and admissible refugees will proceed with the resettlement to Canada in due time and according to existing processes.

## **WAY FORWARD**

Public Safety portfolio partners are working in close collaboration with IRCC and other Government of Canada stakeholders to support the goals having been announced for 2016 as they relate to Syrian refugees.

Horizontal planning meetings are ongoing to discuss and plan for the continued arrival of these resettled refugees to Canada.

## **CONSIDERATIONS**

The impacts for the upcoming summer peak period are expected to present a multitude of pressures arising from increasing volumes at airports, stakeholder expectations, and Government of Canada priorities, such as the Electronic Travel Authorization (eTA), increased immigration levels, growth in tourism and the renewed relationship with Mexico.

Traveller volumes are expected to continue to rise due to the strength of the U.S. dollar coupled with the increasing globalization of air travel and the competitive stance of the Canadian airline industry and airport authorities.

Analysis of the 2015 immigration processing volumes at Pearson International Airport indicates traditional spikes in permanent resident and student processing during the summer period can be expected again this year. On top of this, initial projections indicate the majority of resettled Syrian Refugees will arrive at Toronto's Pearson International Airport. As a result, it is anticipated that secondary processing times may exceed three hours.

These factors are being taken into account by officials involved in the ongoing planning of the arrivals of Syrian refugee arrivals between now and the end of the year.

## **CONTACTS:**

Prepared by

Lisa Janes  
A/Director General  
Border Operations

Tel. no.

613-954-6990

Approved by

Caroline Xavier  
Vice-President  
Operations Branch

Tel. no.

613-952-5269

## 2015-2016 Supplementary Estimates (C) / 2016-2017 Main Estimates

### **BIOMETRIC SCREENING IN IMMIGRATION PROCEEDINGS**

#### **PROPOSED RESPONSE:**

- **Accurately determining identity is a fundamental element of all immigration decisions made by Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency.**  
**Biometric fingerprints are a reliable and accurate tool to establish and confirm a person's identity throughout the immigration continuum.**
- **Biometrics have been used in Canadian immigration and refugee processes for over 20 years.** Biometrics (e.g. fingerprints) have been collected from asylum claimants since 1993, visa-required temporary residents from 30 nationalities since December 2013 and overseas refugee resettlement claimants since November 2014.
- **As part of the Government's response to the Syrian refugee crisis, thorough security screening and biometric identity checks of Syrian refugees were completed prior to the granting of Permanent Residency.**
- **Budget 2015 provided \$65.8M in funding for the Agency, to expand biometric collection, screening and verification.**
- **The Agency is therefore seeking \$11.6 million in the 2015-16 Supplementary Estimates C, and \$16.3 million in the 2016-17 Main Estimates to proceed with this initiative.**

## **Background:**

The use of biometrics is becoming the norm in the visa programs of international partners and in automated border processes. Today, over 70 countries use biometrics in immigration and border management (e.g. the United Kingdom, Australia, United States, New Zealand and many countries in the European Union).

The global rise of identity fraud and theft and the use of sophisticated means to evade detection present challenges for Canada's immigration program with regard to verifying and managing applicants' identification. The proper identification of applicants is crucial to the decision-making process of IRCC officers abroad and the CBSA officers at Canadian ports of entry.

In 2013, Immigration, Refugees, and Citizenship Canada (IRCC) implemented the Temporary Resident Biometrics Program (TRBP) which requires 30 visa required nationalities to provide biometric information (digital photograph and fingerprints) when applying for a TR visa, work permit (WP) or study permit (SP).

Under the program, IRCC collects the biometric information overseas and transmits the fingerprint to the Royal Canadian Mounted Police (RCMP) for storage and to search against criminal, refugee and enforcement databases. The results of the search are shared with IRCC to support the admissibility decision making process.

At the port of entry (POE), Border Service Officers (BSOs) visually compare the visa holder against the digital photograph to confirm identity. At Canada's eight major airports, BSOs can also conduct fingerprint verification on a discretionary basis.

On June 4, 2015, the Government announced the expansion of the current TRBP to extend biometric screening and verification to all TR visa applicants, WP, SP and TR permit applicants (excluding US citizens) and permanent resident (PR) applicants.

The Biometrics Expansion Project will introduce systematic fingerprint verification to primary inspection at Canada's eight major airports. The project also expands verification capability at secondary to an additional 12 air and 36 land POEs. Biometric enrolment will also be introduced at secondary inspection to all 56 of these POEs.

At the application/enrolment stage, biometric information will be collected and used to confirm an applicant's identity and uncover previous violations of immigration, criminal and terrorism laws by screening against Canadian and Five Country Conference (FCC) partners' databases.

Once an applicant's identity has been established, verification of their identity can be easily conducted through a fingerprint check upon arrival in Canada.

The CBSA received \$65.8M/5 years and \$6.38M ongoing to:

- Implement systematic verification of applicants upon arrival at Canada's eight major airports
- Expand verification capacity at secondary to an additional 12 air and 36 land ports of entry
- Conduct enrolment of eligible applicants at 20 air and 36 land POEs
- Support increased automated biometric information sharing with the US on all applicants and the launch of automated information sharing with remaining FCC partners (United Kingdom, Australia, New Zealand)

The CBSA, along with its partners are seeking project approval and expenditure authority under Supplementary Estimates C for the next phase of the project.

The Biometrics Expansion Project will be fully implemented by March 2019, with the active participation of IRCC, the CBSA, the RCMP, and Shared Services Canada (SSC).

This is in line with the Agency's priority to "Streamline and Simplify the Border Experience" on page 9 of its 2016-17 Report on Plans and Priorities.

<b>CONTACTS:</b>			
Prepared by  Arianne Reza, Director General, Traveller Programs, Programs Branch	Tel. no.  (613) 952-3266	Approved by  Martin Bolduc, Vice-President, Programs Branch	Tel. no.  (613) 948-4445

## 2016-2017 Main Estimates

### **CBSA EXPORT PROGRAM - RESPONSE TO AUDITOR GENERAL REPORT**

#### **PROPOSED RESPONSE:**

- The Government welcomes the report of the Auditor General, and we agree with the findings and recommendations found in the Audit Chapter “Controlling Exports at the Border”.**
- We are pleased that the Auditor General recognized the Canada Border Services Agency’s successes in stopping exports of property obtained through crime. The Auditor General also noted the Agency’s success in the risk assessment of counter-proliferation shipments.**
- The Canada Border Services Agency has developed an action plan to respond to the recommendations of the Auditor General with most of the deliverables to be completed by December 2016.**
- This Government is committed to upholding our international obligations to prevent goods that may pose a security threat from being exported from Canada.**

## Backgrounder:

Export control is a government-wide responsibility. More than a dozen government departments and agencies provide supporting expertise, information, legislation and regulation which the Canada Border Services Agency (CBSA) enforces on their behalf. The CBSA's authority to enforce Canada's export legislation is derived from the *Customs Act* and *Canada Border Services Agency Act*. Working in close collaboration with its international and domestic law enforcement partners, the CBSA helps facilitate a safe and secure international trade system for exports.

Although the authorities for the CBSA's control of imports and exports at the border are both established in the *Customs Act*, there is a significant difference in the purpose, mandate and scope of these two activities. This contrast is the result of differing policy drivers for the goods being controlled and also reflects the more fundamental policy view that there is less need for export controls, given the reduced scope and limited number of goods being controlled. This is reflected in the more limited requirements to report goods and examination authority for exports compared to imports.

Through the CBSA's export program, the Agency provides an integrated approach to export policies and program activities. These activities include collecting trade statistics, ensuring national security and public safety priorities are met, respecting international obligations, and facilitating the free flow of exported goods that meet all legislative and regulatory requirements. There are approximately 50 full-time equivalent employees conducting the CBSA's export activities (HQ and regions).

CBSA officers assess the risk of export shipments based on export declarations and intelligence. However, due to system limitations and inconsistencies in manual processes, quantitative data regarding declaration reviews, referrals, examinations and enforcement actions are inaccurate. Efforts are underway to improve reporting in key areas.

It is important to note that the approximately 800,000 export declarations the CBSA receives annually, is significantly less than the number of import transactions the CBSA processes through the commercial, courier and postal streams.

Under a Memorandum Of Understanding, the US and Canada exchange import data, which in turn serves as the receiving country's export data. In 2015, 75.5% of Canada's exports by value were to the US. (Statistics Canada data.)

The Office of the Auditor General's audit of export controls was launched on October 16, 2014. The period examined ran from April 2013 to December 2014 with the report being completed on August 20, 2015 and tabled in Parliament on February 2, 2016. The audit's key findings are:

- The CBSA did not fully have the necessary authorities, information, practices and controls to implement its enforcement priorities and prevent the export of goods that contravene Canada's export laws. As a result, some non-compliant shipments were leaving the country.
- The CBSA's key federal partners provided information and assistance to support the Agency in implementing its enforcement priorities and prevent the export of goods that contravene Canada's export laws.
- The CBSA and its key federal partners had the necessary information, practices and controls to enable the Agency to facilitate legitimate export trade. However, the Agency was sometimes slow to take action on or release held or detained goods.

The Auditor General's report also found that the number of export shipments that the CBSA placed on hold or detained was very small compared with total exports. Delays caused by detentions had little overall negative impact on Canadian trade.

The audit recognized the successes in the risk assessment related to counter proliferation and stopping exports containing property obtained through crime – such as stolen vehicles. In response to the audit, most of the CBSA's Management Response and Action Plan is due to be implemented by December 2016.

CONTACTS: Prepared by  Megan Imrie Director General, Programs Branch	Tel. no. (613)-954-6431  Cell no (	Approved by  Martin Bolduc Vice-President, Programs Branch	Tel. no. (613) 948-4445
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## 2016-2017 Main Estimates

### **IMMIGRATION DETENTION AND DEATHS IN CBSA CUSTODY**

#### **PROPOSED RESPONSE:**

- **I am working with the Canada Border Services Agency to ensure that detention is used only as a last resort, to upgrade detention facilities, and to provide the Agency with appropriate accountability mechanisms.**
- **The decision to detain an individual is not taken lightly and is subject to regular review by the Immigration and Refugee Board, a quasi-judicial, independent tribunal, which has sole decision-making authority for the maintenance of, and release from, detention.**
- **The Agency provides open access to its facilities to independent organizations, such as the Canadian Red Cross and the United Nations High Commission for Refugees (UNHCR) to monitor conditions of people detained under immigration law.**
- **When a death in custody occurs, an investigation is undertaken by the various agencies involved. The Canada Border Services Agency cooperates fully in accordance with a protocol to ensure a complete review of the circumstances is conducted.**
- **The Canada Border Services Agency works with external stakeholders on an ongoing basis to address issues related to immigration detention and to strengthen the detention program.**

## **Backgrounder:**

The *Immigration and Refugee Protection Act* (IRPA) provides CBSA officers with the authority to detain permanent residents or foreign nationals where the officer has reasonable grounds to believe the person is inadmissible to Canada and the person is:

- considered to be a danger to the public;
- unlikely to appear for examination, an admissibility hearing or removal from Canada;
- unable to satisfy the officer of his/her identity (applies only to foreign nationals); or
- designated as part of an irregular arrival by the Minister of Public Safety.

As well, at a port of entry an officer may detain where it is necessary to complete the immigration examination, or the officer has reasonable grounds to suspect the person is inadmissible for security reasons, because of human or international rights violations, serious criminality, criminality or organized criminality.

A person may be held in a correctional facility or an immigration holding centre. The CBSA has three CBSA-run immigration holding centres in Laval, Quebec; Toronto, Ontario and a short-term facility in Vancouver, British Columbia. The CBSA relies on Provincial correctional facilities to detain higher-risk detainees (i.e. criminal background or danger to the public), lower-risk detainees in areas not served by an IHC, and to house immigration detainees in the Pacific Region who are detained for more than 48 hours.

Guidelines provided to CBSA officers require that in exercising their authority to detain, CBSA officers must consider reasonable alternatives before ordering the detention of an individual. The CBSA uses a variety of alternative measures to detention when appropriate and where specified conditions are met, such as reporting requirements, deposits and guarantees.

A CBSA officer's decision to detain a person under the IRPA is subject to an independent review by a Member of the Immigration Division (ID) of the Immigration and Refugee Board (IRB) who may release the person or identify conditions for release or determine that detention should continue. The IRB is a quasi-judicial, independent tribunal. Its members are trained in immigration law. IRB detention reviews are conducted 48 hours after a person is detained and subsequent reviews are carried out within the following seven days and every 30 days thereafter under IRPA.

Minors are detained only as a last resort and the best interests of the child are always taken into consideration. Accompanied minors may remain with their detained parent in low-risk facilities. Generally, unaccompanied minors are not detained, but released into the care of provincial child protection services if they are younger than 16 years of age. Persons aged 16 and 17 may be detained in an age-appropriate provincial or IHC facility. Unaccompanied minors are not housed with adults for their own protection. For non-danger or non-security cases, detention is only exercised for the shortest period of time and is primarily focused on supporting removal. The detention of a minor, however, is not precluded where the minor is considered a security risk or a danger to the public.

The CBSA is committed to ensuring the health and safety of those in its care. The CBSA takes all deaths in custody very seriously and has protocols in place to ensure a rigorous review of the circumstances surrounding a death. This protocol aims to establish a detailed sequence of events and identify any factors that could be addressed to prevent any future loss of life.

The CBSA fully cooperates with any investigation initiated by the various agencies into the details surrounding the death of an individual while in CBSA custody.

<b>CONTACTS:</b> Prepared by  Lesley Soper, A/Director General Enforcement and Intelligence Programs	Tel. no.  (613) 948-9041	Approved by  Martin Bolduc, Vice-President, Programs Branch	Tel. no.  (613) 948-4445
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## 2016-2017 Main Estimates

### TEMPORARY FOREIGN WORKER PROGRAM

#### PROPOSED RESPONSE:

- **The Temporary Foreign Worker Program and International Mobility Program allow employers to hire foreign nationals on a temporary basis.**
- **The Temporary Foreign Worker Program contributes to the competitiveness and viability of Canadian businesses, since workers are recruited by employers or agencies to address labour or skill shortages.**
- **The International Mobility Program facilitates the entry of foreign workers whose admission will advance Canada's broad economic, social and cultural national interests.**
- **In June 2015, partners sought \$264.47M over two years from the Treasury Board, including \$10.35M (including EBP and PWGSC accommodation costs) for the Canada Border Services Agency (CBSA) in 2015-2016 and 2016-2017.**
- **Requested funding is for the CBSA's Criminal Investigations Program, to support the criminal investigation of TFWP and IMP fraud.**
- **In 2015-2016, the CBSA has received authorities to increase its reference levels by an additional \$8.75M over two fiscal years starting in 2015-2016, with 25% being frozen in year two. All corporate costs, totalling \$0.74M over 2 years will be absorbed by the Agency.**
- **In 2015-2016, the CBSA received \$2.16M in the Supplementary Estimates C, and is seeking \$6.6M in the 2016-17 Main Estimates.**

## Backgrounder:

The CBSA is mandated to investigate and pursue the criminal prosecution of persons who commit offences under Canada's border legislation, which includes the *Immigration and Refugee Protection Act (IRPA)*, the *Customs Act* and the *Export and Permits Act*.

Criminal Investigators focus on complex cases of fraud involving organized fraudulent activities or a history of non-compliance, aimed primarily on the organizers, facilitators and perpetrators of fraud who pose a threat to the integrity of Canada's border legislation (i.e. employers or consultants that are wilfully contravening the provisions of the IRPA). Complex cases of fraud are those that go beyond a single incident, often requiring follow-up investigation or use of specialized investigative techniques (i.e. search warrants) to gather evidence to support the offence or previous offence(s).

CBSA criminal investigators investigate cases of suspected employment fraud under the IRPA, which may include fraud committed by employers who have hired workers under the TFWP that require Labour Market Impact Assessment (LMIA) and also for LMIA-exempt jobs.

CBSA investigates offences related to employment fraud under

- s.124(1)(c): Employing a foreign national in a capacity in which the foreign national is not authorized under IRPA. Examples:
  - worker applies to work in Canada in a certain capacity, but the employer has them working in a completely different capacity.
  - worker ends up being employed by a different employer for which the FN is not authorized to work for.
  - permit was approved through the program and the foreign national continued to work for the same employer after the permit expired or where a permit was revoked or cancelled.
- s.127(a): Misrepresentation or withholding material facts relating to a relevant matter that induces or could induce an error in the administration of the IRPA; and/or
- s.127(b): Communication of false or misleading information or declaration with intent to induce or deter immigration to Canada.
  - Examples: employer has provided misleading information in order to induce an error in the administration of the Act, ie. if the decision to authorize the work permit was based on false information regarding the job they were intending to be employed at.

Employers who employ “a foreign national in a capacity in which the foreign national is not authorized to be employed (s. 124)” can be fined up to \$50,000 and imprisoned for up to two years or both.

Employers who intentionally misrepresent or withhold information or provide false information to contravene the IRPA (i.e. lie on their Labour Market Impact Assessment application about their efforts to hire Canadians) can be fined up to \$100,000 and imprisoned for up to five years or both.

In most cases, illegal foreign workers would be referred to IRCC (revocation of permit) and CBSA Inland Enforcement (removal). Workers are not the focus of CBSA criminal investigations unless there are aggravating circumstances warranting a more severe deterrent than regulatory measures.

The CBSA and ESDC signed a *Letter of Understanding* to outline the terms and conditions governing the exchange of information for the purposes of administering the TFWP and IRPA. The CBSA is also working with ESDC to amend the *Department of Employment and Social Development Regulations* to include the CBSA as a prescribed federal institution for the purposes of section 35 of the *Department of Employment and Social Development Act* to facilitate seamless information sharing practices.

CONTACTS:	Tel. no.	Approved by	Tel. no.
Prepared by Karine Roy-Tremblay Manager, Criminal Investigations Program Unit	613-960-1624	Martin Bolduc Vice-President, Programs Branch	613-948-4445

## 2016-2017 Main Estimates

### **COMPLETION OF THE ARMING INITIATIVE**

#### **PROPOSED RESPONSE:**

- **From 2006 to 2016, the Canada Border Services Agency has been working to arm its front-line officers.**
- **As of March 31, 2016, front-line Border Services Officers who work at land and marine ports of entry, as well as officers who perform inland enforcement and alternative inspection functions, have been equipped with a duty firearm.**
- **The Agency has successfully firearm-qualified 6,492 officers.**
- **The Canada Border Services Agency has fulfilled the Agency's arming commitment on time and on budget. In the 2016-17 Main Estimates, the CBSA will seek to reduce its funding to this initiative by \$49.8 million as compared with the Main Estimates 2015-2016.**

## **Backgrounder:**

In implementing the Arming Initiative, which was aimed at establishing a presence at Canada's borders to enhance border security and public safety, the Agency has accomplished a great deal:

- Range construction, expansion and renovations to the CBSA College at Rigaud, originally scheduled for completion in 2009, were completed in 2012. The majority of CBSA firearm training is now delivered from these state-of-the-art expanded training facilities which provide the lowest cost training option for the Agency, replacing high cost commercial accommodation and travel costs associated with other facilities located across the country.
- The total number of officers to be trained has been revised upward to 6,700 officers as a result of Agency growth of 744 officers and the inclusion of the approximately 1,200 officers conducting off-site verifications away from CBSA offices (e.g., commercial warehouses). The growth in the number of officers to be armed is within existing operational policy and funding approvals.
- As of March 31, 2016, the CBSA has successfully firearm-qualified 6,492 officers. A maximum of 400 officers, who were unavailable or did not meet medical requirements remain to be trained as they become available or meet medical requirements.
- All new recruits graduating from the CBSA's Officer Induction Training Program (OITP) will be qualified to carry a firearm.
- In line with the Government of Canada's emphasis on efficient service delivery, the CBSA has made significant changes to training delivery and requalification requirements resulting in more efficient program delivery.
- The CBSA has fulfilled its commitment to arm front-line border services officers at the land borders, marine ports and in enforcement, intelligence and alternate inspection operations on track and within budget.
- Not all officers are successful in obtaining the qualification required for their positions. The employer will make every reasonable effort to find a placement opportunity within the Public Service for those officers who are not successful in meeting the arming qualification.

In 2006, \$785M was identified for the arming of 4,400 existing border service officers. Funding stream approved for Arming Project in is as follows:

- 2013-14: \$89.5M
- 2014-15: \$89.5M
- 2015-16: \$84.3M
- \$80.1M on an ongoing basis

<b>CONTACTS:</b> Jacqueline Rigg Director General Training and Development Human Resources Branch	Tel. no. Office Tel. no. 613-948-3328 Mobile	Approved by Jacqueline Rigg A/Vice President Human Resources Branch	Tel. no. Office: 613-948-3180 Mobile:
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## SCENARIO NOTE FOR THE PRESIDENT

**Australian Border Force (ABF) – Commissioner Roman Quaedvlieg**

**Monday, February 22, 2016, 10:00 – 11:00**

### FUNCTION

An introductory meeting and opportunity for strategic discussion with the Commissioner of the ABF Roman Quaedvlieg, on Monday, February 22, 2016, 10:00-11:00.

### OBJECTIVE

To exchange views with your Australian counterpart ahead of the upcoming Border Five (B5) Deep Dive Meetings in Washington, D.C. This meeting provides an opportunity to have an initial meeting with Commissioner Quaedvlieg of the ABF, which is a key strategic partner for the CBSA.

### EXPECTED AUDIENCE

#### **Australian Participants**

**Mr. Roman Quaedvlieg**, Commissioner, ABF

**Mr. Ben Evans**, Assistant Secretary, Strategy Branch, Strategic Policy, Department of Immigration and Border Protection (DIBP).

**Mr. Derek Bopping**, ABF Attaché, Australian Embassy to the United States

#### **CBSA Participants**

**Ms. Linda Lizotte MacPherson**, President

**Mr. Martin Bolduc**, Vice President, Programs

**Mr. Jean-Stéphen Piché**, Vice President, Human Resources

**Mr. Maurice Chénier**, Vice-President, Information, Science and Technology

### BACKGROUND

Mr. Quaedvlieg was appointed as Commissioner of the Australian Border Force when the organization was established on July 1, 2015. Prior to becoming the ABF Commissioner, Mr. Quaedvlieg was the Chief Executive Officer of the Australian Customs and Border Protection Service (ACBPS), a role he commenced in October 2014. Mr Quaedvlieg first joined the ACBPS,

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predecessor to the ABF, in May 2013, after being appointed the Deputy Chief Executive Officer Border Enforcement (Biography under Annex 1).

ABF Commissioner Quaedvlieg will be participating in the B5 Deep Dive meeting February 24 to 26, 2016 in Washington, D.C. In advance of this, Commissioner Quaedvlieg will be traveling to Ottawa for one day (February 22, 2016) and sees this meeting with the Canada Border Services Agency (CBSA) as an opportunity to provide the President and key CBSA executives with an update on the establishment of the ABF, which became operational July 1, 2015, as well as the Commissioner's views on future issues for CBSA-ABF bilateral cooperation. This meeting would be an opportunity for you to apprise the Commissioner of recent developments at the CBSA, including the transition to a new government.

Additionally, Commissioner Quaedvlieg has noted that his visit to the CBSA is the centre piece of his visit to Ottawa. The Commissioner has indicated that he is most interested in having an extended period of time with the President of the CBSA in order to develop their relationship and discuss strategic linkages between the two organizations. For this meeting the ABF has also indicated interest in the following topics: challenges faced by the CBSA since inception; officer recruitment & training; organizational culture; border enforcement technology; and international engagement opportunities.

In addition to his meeting with the CBSA, the Commissioner will be holding additional meetings with the Commissioner of the Royal Canadian Mounted Police in Ottawa and the Australian High Commissioner. Commissioner Quaedvlieg will also tour the United States Customs and Border Protection's pre-clearance operations in the Ottawa International Airport that afternoon before departing for Washington.

## **CONSIDERATIONS**

Australia is a longstanding and important strategic partner for the CBSA. There has been sustained and comprehensive engagement between senior executives on both sides for several years. In addition to numerous meetings in multilateral fora such as the B5, the Five Country Conference and the World Customs Organization, the CBSA has engaged bilaterally with our Australian counterparts through respective visits in both countries. Most recently, former CBSA President Luc Portelance travelled to Australia in February 2015 and had extended bilateral meetings with several senior Australian officials, including Mr. Quaedvlieg, on border management issues.

The CBSA engages with the ABF and the DIBP on a wide range of customs, border management and intelligence issues. Australia and Canada have a Memorandum of Understanding (MOU) between their customs administrations for mutual assistance and co-operation for the prevention and investigation of customs offenses. The CBSA and its Australian counterparts communicate regularly to share information and best practices and to reaffirm support for challenges within the border management environment. This relationship is strengthened by the presence of one Liaison Officer (LO) in Canberra and an ABF attaché in Washington (DC) who is accredited to Canada.

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The CBSA has hosted several visits from the ABF and the Australian Department of DIBP, most recently the Commander of the ABF College (September 2015), the ABF Assistant Commissioner Investigations (September 2015), and the ABF Customs Counsellor (December 2015). The ABF Counsellor in Washington, Mr. Derek Bopping, regularly visits CBSA National Headquarters, further deepening and strengthening linkages and relationships. Previous visits has focused on issues including targeting, intelligence, training and learning, data analytics, trusted trade cooperation, etc.

*Organizational Change:*

Australia has gone through a period of significant transition as it integrates its border security functions into a single entity, the ABF. As of July 1, 2015, DIBP and the former ACBPS have been consolidated into a single Department of Immigration and Border Protection. The ABF, led by Commissioner Quaedvlieg, is the single frontline operational border agency within the department. The ABF draws together the operational border, investigations, compliance, detention and enforcement functions of the two existing agencies. Policy, regulatory and corporate functions are combined within the broader department. On May 14, 2015, the Australian Parliament passed two Bills that established the legal framework for DIBP and enabled the operation of the ABF.

**ITINERARY**

<b>February 22, 2016</b>	
<b>TIME</b>	<b>DETAILS</b>
10:00-11:00	Meeting with Senior Officials from the CBSA

**Attachments:**

- 1) Biography of Commissioner Quaedvlieg
- 2) Talking Points



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## SPEAKING POINTS

### INTRODUCTION

- It is a pleasure to meet you.
- With me today are:
  - Caroline Xavier, Vice-President, Operations Branch
  - Martin Bolduc, Vice-President of the Programs Branch, and
  - Jean-Stéphen Piché, Vice-President, Human Resources Branch.
- We appreciate the longstanding and strategic relationship that we have with Australia – which has always been a partner and friend to the Agency.

### CHALLENGES FACED BY THE CBSA SINCE INCEPTION

- The CBSA initially faced two main challenges: to maintain core operations; and to manage the transition of these operations into a new agency.
- A number of lessons have been learned in the formation of the CBSA, chief among them are:
  - The creation of a new organization is complex and requires an initial commitment of time, planning, and resources;
  - Foundational elements, such as legislation, governance, and support structures, must be strong and flexible to meet the requirements and mandate of a new agency;
  - It is imperative that operations continue uninterrupted during the transition phase; and,
  - Organizational culture must be recognized as early as possible to foster unity.
- I would be interested in hearing more about your experiences with the establishment of the ABF and some of the opportunities and challenges this has presented.

### OFFICER RECRUITMENT AND TRAINING

- The CBSA recently launched its People Strategy: A roadmap for the future of our workforce.
- The strategy provides an overarching roadmap that will:
  - Develop the CBSA's workforce to meet challenges and opportunities now and in the future;
  - Support leadership through the development of leaders who are forward-looking;
  - Create an enabling environment through effective tools and a healthy workplace

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## BORDER ENFORCEMENT TECHNOLOGY

- I am committed to making sure our Agency has the tools, systems and processes in place to keep our border safe and secure.
- In practical terms this means ensuring that the Agency's officers have the best available tools and technology, such as targeting, risk assessments, investigations, and others, to help protect the safety of our citizens.

## INTERNATIONAL ENGAGEMENT OPPORTUNITIES

- I welcome continued cooperation with Australia and look forward to engaging with the new ABF to advance a number of priorities, including collaboration on intelligence and targeting, continued trusted trader cooperation and information technology.
- I am also interested to hear about your experiences with regard to combatting foreign terrorist fighters and managing the intake of Syrian refugees into Australia.
- The CBSA is making important contributions to the Government of Canada's plan for the resettlement of Syrian refugees. Our focus has been on ensuring full security screening of each individual.



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For information

## ENGAGEMENT WITH CHINA

For the Vice President of Programs

### PURPOSE

To provide you with an update on the Canada Border Services Agency's (CBSA's) current dealings with its Chinese counterparts and course for future engagement.

### BACKGROUND

China is Canada's second largest trading partner and the world's second largest economy with a Gross Domestic Product (GDP) of \$10,355 billion in 2014. There are strong people-to-people ties between the two countries with over 1.5 million Canadian residents of Chinese origin, and well over 68,000 Chinese students at Canadian educational institutions. Data from the Department of Immigration, Refugees and Citizenship Canada (IRCC) indicates that China was the top source country for permanent residents to Canada between 2003 and 2009, and in 2013 it was again the top source for new permanent residents. China has statistically been one of the highest sources of refugee claimants to Canada. Rapid growth, displacement and increased economic inequality in China will continue to work as push factors for Chinese emigration.

– China remains a top priority country for the Government of Canada. Following the change of government this past fall, Prime Minister Trudeau has signaled his desire to improve ties with China and quickly arranged a summit meeting with Chinese leader Xi Jinping on the sidelines of the G20 Leader's Summit this past November in Turkey. There have also been strong indications that Canada is pushing for a Free Trade Agreement with China.

### STATUS

#### *CBSA Engagement with China*

The CBSA has four Liaison Officers (LOs) stationed in mainland China (Beijing (2), Shanghai and Guangzhou), one officer in Taipei and two in Hong Kong. LOs regularly engage with officials in Ministry of Public Security (MPS), as well as airline personnel to ensure the integrity of travel documents. LOs work with Canadian and Chinese partners on: postal interceptions; joint interdiction and other security training and exercises; removals; human smuggling; and, quality assurance projects for business travelers and visa verifications.

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The CBSA's primary interlocutors in China are the General Administration of China Customs (GACC) and MPS. The Agency's relationship with China has gained momentum as a result of former President Luc Portelance's trip there in January 2015, with progress being made on a number of fronts as follows:

**Customs:**

There was agreement in principle to the exchange of expertise and study tours in areas of mutual interest, including training and learning, and to explore the establishment of a Joint Customs Consultative Committee (JCCC) to facilitate the work resulting from the ratification of the Customs Mutual Assistance Agreement (CMAA) in 2015. In addition, GACC and the Agency agreed

. In light of these commitments, the CBSA LOs stationed in Beijing have been approached by the Deputy Director General of Training for the Department of International Cooperation within the General Administration of China Customs (GACC) to undertake a study tour of the Agency's training and learning facilities. Additionally, in February 2016, the CBSA LO in Beijing was approached by GACC about a forthcoming request for a visit to the CBSA's National Targeting Center in May, 2016. GACC is also intending to visit the US Customs and Border Protection (CBP) NTC during this same trip.

**Immigration/Security:**

In January 2015, former President Portelance signed a Letter of Intent (LoI) to support the removal of Chinese nationals who have been deemed inadmissible to Canada. Following the LoI,

In this light, the CBSA is also engaged with China through the Canada-China Working Group which focusses migration integrity issues.

**NEXT STEPS**

In line with the priorities from the Government of Canada and in concert with our previous commitments, the Agency will continue to engage with China on issues that further our mandate. In the coming year, this will primarily be focused initially on three areas: removals cooperation; training and learning;

Canada Border  
Services AgencyAgence des services  
frontaliers du Canada

For Action

## **CANADA BORDER SERVICES AGENCY-CORRECTIONAL SERVICES CANADA MEMORANDUM OF UNDERSTANDING**

For the President

### **PURPOSE**

To seek your support for a new Memorandum of Understanding (MOU) between the Canada Border Services Agency (CBSA) and Correctional Services Canada (CSC) that commenced in the summer of 2015.

### **ISSUE**

The CBSA and CSC have been operating under an MOU that was signed in 1994, prior to the creation of the CBSA. It is essential that the two agencies negotiate a new MOU that reflects their current organizations to ensure the effective administration of their respective programs.

### **BACKGROUND**

Pursuant to the *Immigration and Refugee Protection Act* (IRPA), the Minister of Public Safety and Emergency Preparedness, is responsible for the administration of the IRPA as it relates to, among other things, enforcement such as arrest, detention, and removal, as well as establishing policies related to enforcement of the IRPA. CSC is responsible for administering court-imposed sentences of two years or more for adult offenders, and supervising offenders on different forms of conditional release in the community. The purpose of the MOU is to define in general terms the basis for cooperation between the CBSA and CSC regarding the effective administration and enforcement of their respective programs, as outlined in the *Canada Border Services Agency Act*, and the *Corrections and Conditional Release Act* and its regulations.

The current MOU that is being relied upon was signed in June 1994, nine years prior to the creation of the CBSA. In addition to not naming the CBSA, the 1994 MOU also refers to the previous *Immigration Act*, which was replaced by the IRPA in 2002. To ensure that all current activities and programs administered by the CBSA and CSC are covered in the MOU, it is crucial that the 1994 MOU be reviewed and renegotiated between the two parties.

In addition, according to the Treasury Board of Canada Secretariat, a Privacy Impact Assessment (PIA) is required for any new or substantially modified program or activity involving personal

information.

**STATUS**

## **RECOMMENDATION**

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Martin Bolduc  
Vice-President, Programs Branch

### **ATTACHMENTS**

- 1. Letter from the President to the Commissioner**
- 2. Draft CBSA-CSC MOU with Annexes**



Canada Border Services Agency      Agence des services frontaliers du Canada  
 President      Président  
 Ottawa, Canada  
 K1A 0L8

JUN 15 2015

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Mr. Don Head  
 Commissioner  
 Correctional Service of Canada  
 340 Laurier Avenue West  
 Ottawa, Ontario K1A 0P9

Dear Mr. Head:*Don*,

I am taking this opportunity to acknowledge the considerable work that our organizations have achieved by working together over the last year. This important work is demonstrated through the tabling of Bill C-60, the Removal of Serious Foreign Criminals Act, in May 2015. The bill, among other things, proposes amendments to the *Immigration and Refugee Protection Act* (IRPA) and the *Correctional and Conditional Release Act* (CCRA) to strengthen the legislative basis for the continued and enhanced sharing of information and co-operation between the Canada Border Services Agency (CBSA) and the Correctional Service of Canada (CSC).

This bill builds on the two organizations' successful co-operation on the *Canadian Victims Bill of Rights* (CVBR), which received Royal Assent on April 23, 2015. As you know, the CVBR provides measures for the CBSA and CSC to work together to better support victims' requests for information on the removal of foreign offenders from Canada.

These important developments demonstrate the organizations' mutual interest in administering and enforcing their respective legislation in a co-operative fashion to contribute to public safety and immigration enforcement program integrity while supporting victims' rights. To that end, it is important that the CBSA and CSC work together to renegotiate the Memorandum of Understanding Respecting the Exchange of Information, which was signed in 1994 between CSC and the Department of the Secretary of State of Canada.

As you may be aware, this information-sharing arrangement predates the creation of the CBSA. Given the CBSA's responsibilities for immigration enforcement under IRPA, which includes the detention and removal of foreign criminals, this memorandum of understanding (MOU) is deeply in need of review and modernization. While I am aware

Canada

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of the undertaking,

I am therefore seeking your support and engagement in joining me to signal our shared commitment to strengthening our organizations' information-sharing relationship. I would be grateful for confirmation of your support and, if you agree, for the relevant contact information for the team that will represent CSC in this important work. The contact person for the CBSA is Ms. Monik Beauregard, Director General of the Enforcement and Intelligence Programs Directorate. Ms. Beauregard can be contacted by telephone at 613-948-9041 or by email at [monik.beauregard@cbsa-asfc.gc.ca](mailto:monik.beauregard@cbsa-asfc.gc.ca).

In closing, I would like to reiterate the CBSA's commitment to continuing its successful collaboration with CSC and building upon this mutually beneficial relationship. Establishing a new and modernized information-sharing arrangement between the two organizations is a worthwhile endeavour that will contribute to the safety and security of Canadians.

I look forward to the CBSA and CSC's continued close partnership on these and other matters.

Yours sincerely,



Luc Portelance